

SCANNED ON  
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PLANNING (IO)

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10 AP3751

LONDON BOROUGH OF SOUTHWARK  
REGENERATION DEPARTMENT

London Borough of Southwark  
Received on:  
27 MAR 2012  
Development Management

## APPEAL STATEMENT OF CASE

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL REFERENCE:

APP/A5840/A/12/2168042/NWF

LBS REGISTRATION NUMBER: 10-AP-3751

SITE AT: 123 GROVE PARK, SE5 8LD

BY: CITRUS HEALTHCARE LTD

APPEAL AGAINST THE REFUSAL OF PLANNING PERMISSION FOR THE CHANGE OF USE OF THE EXISTING BUILDING FROM TRAINING CENTRE (D1 USE) WITH ANCILLARY OFFICE USE TO RESIDENTIAL (C3 USE) INCLUDING THE CONSTRUCTION OF A THREE STOREY SIDE EXTENSION TO CREATE 7 RESIDENTIAL UNITS (COMPRISING 1 X 1 BEDROOM, 1 X 2 BEDROOM, 3 X 3 BEDROOM AND 2 X 4 BEDROOM UNITS) AND THE CONSTRUCTION OF 5 DETACHED DWELLINGS (COMPRISING 5 X 4 BEDROOM TWO STOREY UNITS) TO THE REAR. THE DEVELOPMENT WILL PROVIDE VEHICULAR ACCESS AND A TOTAL OF 14 ON-SITE CAR PARKING SPACES, WITH STORAGE FOR 20 CYCLES AND ASSOCIATED WASTE STORAGE. THE DEVELOPMENT WILL REQUIRE THE REMOVAL OF 83 TREES AND INCLUDES FULL LANDSCAPING OF THE SITE.

Due to PINS: 23/03/2012

LBS Case Officer: Fennel Mason

## **Purpose of this Appeal Statement**

- 1.1 This appeal statement sets out the Council's considerations and response to the appeal.

## **Site Description**

- 2.1 The subject site is located on Grove Park, to the east of Camberwell Grove and close to Denmark Hill Station. The site comprises a large late 19<sup>th</sup> century / early 20<sup>th</sup> century 3 storey detached mansion, which formally housed a nursing home and more recently a training centre (D1 use with ancillary B1 office use).
- 2.2 The building is currently vacant and fronts onto Grove Park, it is set in large grounds with a formal garden and area of woodland to the rear. The total size of the site including gardens is 0.58 hectares. The building is located within the Camberwell Grove conservation area and is identified in the conservation area appraisal for the Camberwell Grove conservation area as a key unlisted building.
- 2.3 Camberwell Grove conservation area is predominantly residential in character and there are a number of listed buildings in the area. The neighbouring property to the west at 124/125 Grove Park is a grade II listed building and to the rear of the site is the extensive gardens of properties at 163-185 Grove Crescent which form a collection of 3 storey grade II listed terrace buildings. There are also a number of key unlisted buildings along Grove Park, all buildings occupying a leafy front and rear garden setting, and all are classified as key unlisted buildings in the Camberwell Grove conservation area.
- 2.4 The site is located within an Urban Density Zone, an Air Quality Management Area and the site is subject to a Supplementary Planning Document: 123 Grove Park (September 2007).

## **Details of proposal**

- 3.1 Planning permission was sought for the change of use of existing host building from a training centre (D1 use) with ancillary office use to residential (C3 use) with the construction of three storey side extension, measuring a maximum of 13.0m in width, 11.4m in depth and 10.1m in height.
- 3.2 The conversion and extension of the main host building would allow for the creation of 7 residential units (comprising 1 x 1 bedroom, 1 x 2 bedroom, 3 x 3 bedroom and 2 x 4 bedroom units).
- 3.3 In addition, consent was sought to construct 5 new detached dwellings (each containing 4 bedrooms) to the rear of the main building. Each proposed dwelling is to be two stories in height with green roofs and areas of private amenity space. Each also has private cycle storage and car parking spaces.
- 3.4 Vehicular and pedestrian access to the site will remain similar to present with an entrance and exit at either sides of the street frontage and two pedestrian gates. The entrance forecourt area will also include 2 refuse storage areas, 9 car parking spaces (2 of which are proposed for car club parking spaces) and covered storage for 20 cycles.
- 3.5 Access to the rear of the site will be gained with the creation of a gravel driveway to the eastern side of the main building, which will contain another two refuse storage areas, additional carparking, and vehicular and pedestrian access to the 5 dwellings.
- 3.6 The development would require the removal of 83 trees in addition to large areas of undergrowth. As part of the post construction works it is proposed to landscape the site with formal landscaping combined with the retained mature trees.
- 3.7 The Planning Application (10-AP-3751) was refused on 15 August 2011 on the following grounds:

*1] The proposed development will result in the removal of an excessive amount of mature trees, in particular the grouping of trees on and near the building platforms of House 1 and House 2, which form the woodland to the rear of the site. The volume of trees removed would harm the open, green and intrinsic nature of the woodland to the rear of the site, the amenity of adjoining properties and the character of the wider Conservation Area setting. The development has also failed to demonstrate sufficient mitigation planting through appropriate landscaping. The development is therefore contrary to policies 7.19 'Biodiversity and Access to Nature' and 7.21 'Trees and woodland' of The London Plan 2011, Strategic Policy 11 'Open Spaces and Wildlife' of the Core Strategy 2011, saved policies 3.1 'Environmental Effects', 3.2 'Protection of amenity', 3.13 'Urban design', 3.16 'Conservation areas' and 3.28 'Biodiversity' of The Southwark Plan [UDP] 2007 and the 123 Grove Park SPD.*

*2] The development has failed to demonstrate that the retained vegetation will be adequately protected from construction impacts, in particular from the establishment of the access road and installation of services, and furthermore from post development pressure arising from potential future overshadowing and maintenance issues. As such the development is contrary to policy 7.21 'Trees and woodland' of The London Plan 2011, Strategic Policy 11 'Open Spaces and Wildlife' of the Core Strategy 2011, and saved policy 3.1 'Environmental Effects' of The Southwark Plan [UDP] 2007.*

*3] The proposal has failed to comprehensively assess the existing biodiversity of the site, and as such the full impact of the development on ecological habitats and species, and any adequate mitigation measures, is unable to be accurately assessed. The development therefore fails to sufficiently protect existing species and their habitats and as such is contrary to saved policies 3.1 'Environmental effects and 3.28 'Biodiversity' of The Southwark Plan [UDP] 2007, strategic policy 11 'Open Spaces and Wildlife' of the Core Strategy 2011, PPG9: Biodiversity and Geological Conservation, policy 7.19 'Biodiversity and nature conservation' of the London Plan 2011, the Sustainable Design and Construction SPD and 'Work for Wildlife' Southwark Biodiversity Action Plan.*

*4] The development fails to adequately mitigate against the adverse impacts of the development in relation to education, employment during construction, open space contribution, children's play equipment, sports development, transport strategic, archaeology, health facilities and community facilities. The development is therefore contrary to policy 8.2 'Planning Obligations' of the London Plan 2011, saved policy 2.5 Planning Obligations of the Southwark Plan 2007, Strategic Policy 14 Implementation and Delivery of the Core Strategy (2011) and Supplementary Planning Document 'Section 106 Planning Obligations' 2007.*

### **Planning History**

- 4.1 A Screening Opinion (10-AP-1639) was given in August 2010 where it was considered that given the relatively small size of the development and its location outside a sensitive area, the development is unlikely to generate any significant environmental effects and that an Environmental Impact Assessment will not be required.
- 4.2 A pre-application had previously been engaged for this site, however the details of this are not part of the public record, unless the appellant reveals this information as part of this appeal. Should this be the case, then comments from the Council will be made with the Final Statement.

### **Planning History of Adjoining Sites**

- 5.1 None considered to be directly relevant

### **Policy Context**

- 6.1 The application was assessed against the Core Strategy 2011, with the following strategic policies considered to be of relevance:

Strategic Policy 1 – Sustainable development

Strategic Policy 2 – Sustainable transport

**Strategic Policy 3 – Shopping, leisure and entertainment**  
**Strategic Policy 4 – Places to learn and enjoy**  
**Strategic Policy 5 – Providing new homes**  
**Strategic Policy 6 – Homes for people on different incomes**  
**Strategic Policy 7 – Family homes**  
**Strategic Policy 11 - Open Spaces and Wildlife**  
**Strategic Policy 12 – Design and conservation**  
**Strategic Policy 13 – High environmental standards**

**6.2 The proposal was also assessed against The Southwark Plan (UDP) July 2007, with the following saved policies considered to be of relevance:**

**2.1 Enhancement of community facilities**  
**2.5 Planning obligations**  
**3.1 Environmental effects**  
**3.2 Protection of amenity**  
**3.3 Sustainability assessment**  
**3.4 Energy efficiency**  
**3.6 Air quality**  
**3.7 Waste reduction**  
**3.9 Water**  
**3.10 Efficient use of land**  
**3.11 Quality in design**  
**3.15 Conservation of the historic environment**  
**3.16 Conservation areas**  
**3.18 Setting of listed buildings, conservation areas and world heritage sites**  
**3.28 Biodiversity**  
**4.1 Density of residential development**  
**4.2 Quality of residential accommodation**  
**4.3 Mix of dwellings**  
**4.4 Affordable housing**  
**5.1 Locating developments**  
**5.2 Transport impacts**  
**5.3 Walking and cycling**

**5.6 Car parking**

**5.7 Parking standards for disabled people and the mobility impaired**

**7.3 The proposal was also assessed against the following policies of The London Plan 2004:**

**Policy 1.1: Delivering the strategic vision and objectives for London**

**Policy 3.3: Increasing housing supply**

**Policy 3.4: Optimising housing potential**

**Policy 3.5: Quality and design of housing developments**

**Policy 3.6: Children and young people's play and informal recreation facilities**

**Policy 3.8: Housing choice**

**Policy 3.9: Mixed and balanced communities**

**Policy 3.10: Definition of affordable housing**

**Policy 3.11: Affordable housing targets**

**Policy 3.13: Affordable housing thresholds**

**Policy 3.18: Education facilities**

**Policy 5.1: Climate change mitigation**

**Policy 5.2: Minimising carbon dioxide emissions**

**Policy 5.3: Sustainable design and construction**

**Policy 5.4: Retrofitting**

**Policy 5.5: Decentralised energy networks**

**Policy 5.7: Renewable energy**

**Policy 5.8: Innovative energy technologies**

**Policy 5.10: Urban greening**

**Policy 5.11: Green roofs and development site environs**

**Policy 5.13: Sustainable drainage**

**Policy 5.14: Water quality and wastewater infrastructure**

**Policy 5.15: Water use and supplies**

**Policy 5.21: Contaminated land**

**Policy 6.1: Strategic approach**

**Policy 6.3: Assessing effects of development on transport capacity**

**Policy 6.9: Cycling**

**Policy 6.10: Walking**

**Policy 6.11: Smoothing traffic flow and tackling congestion**  
**Policy 6.12: Road network capacity**  
**Policy 6.13: Parking**  
**Policy 7.1: Building London's neighbourhoods and communities**  
**Policy 7.2: An inclusive environment**  
**Policy 7.3: Designing out crime**  
**Policy 7.4: Local character**  
**Policy 7.5: Public realm**  
**Policy 7.6: Architecture**  
**Policy 7.8: Heritage assets and archaeology**  
**Policy 7.13: Safety, security and resilience to emergency**  
**Policy 7.14: Improving air quality**  
**Policy 7.15: Reducing noise and enhancing soundscapes**  
**Policy 7.18: Protecting local open space and addressing local deficiency**  
**Policy 7.19: Biodiversity and access to nature**  
**Policy 7.21: Trees and woodlands**  
**Policy 8.1: Implementation**  
**Policy 8.2: Planning obligations**

**7.2 The proposal was also assessed against the following Planning Policy Guidance [PPG] and Planning Policy Statements [PPS]:**

**PPS 1: Delivering Sustainable Development**  
**PPG 3: Housing**  
**PPS 5: Planning for the Historic Environment**  
**PPS9: Biodiversity and geological conservation**  
**PPG 13: Transport**  
**PPS 22: Renewable Energy**  
**PPS 23: Planning and Pollution Control**  
**PPG 24: Planning and Noise**  
**SPG: Sustainable Design and Construction**

**Residential Design Standards SPD (2008)**  
**Sustainable Transport Planning SPD (2008)**



Affordable Housing SPD (September 2008)  
Sustainable Design and Construction SPD (2009)  
Sustainability Assessment SPD (2009)  
Section 106 Planning Obligations SPD (2007)  
Biodiversity Action Plan (1996-2010)  
123 Grove Park (SPD)

## **Consultation Responses**

### *Objection*

8.1 A total of 52 letters of objection were received (from individuals and groups) under the original consultation of the application. The objections were received from the following with reasons summarised below:

- 1, 1a, 2, 3, 4, 5, 10, 12, 34, 36, 37, 51, 58, 61, 64, 76, 79, 83,85, 87,88, 92, 93, 95, 99, 102, 111 and 124c Grove Park
- 49, 171, 174b, 175a, 177d , 179, 179a, 180, 181, 183, 185 and186 (Garden Flat) Camberwell Grove
- 15, 18, 26, 30 and 43 Grovelands Close
- 140 Ivorydown, Bromley (former gardener of 123 Grove Park)
- The Camberwell Society
- Ivanhoe Residents and Tenants Association
- Shareholders of Grove Park (Camberwell) Ltd, being the owners and leaseholders of 124 and 125 Grove Park
- No address given x 3

8.2 The reasons for objection have been summarised as following:

8.3 *Trees / Ecology*

The felling of over 80 trees comprising the woodland would decimate the mature woodland rarely found in an unspoilt state within suburban areas.

The proposed landscaping of the site is unacceptable given the nature of the vegetation proposed to be removed.

The Ecological Survey does not accurately assess the natural habitat of all resident species, with the only species given assessment are bats and stag beetles. Further assessment of the site in more detail is required.

Considerations are made that the Ecology Survey is inadequate.

If there was serious concern over the conservation of this ecology surely the advice would be not to develop within this woodland.

The loss of birdlife is attributed to the destruction of their natural habitat, and this woodland should be preserved.

The removal of the dead trees and undergrowth would cause a devastating effect upon small mammals, insects, reptiles, flora, fauna and fungi at the site.

The significant loss of trees would result in a considerable loss of amenity and privacy for neighbouring properties.

Neighbours have approached London Wildlife Trust (LWT) to provide an independent assessment of the ecology of the site. They have apparently not been given access to the site from the developer. This independent report has been submitted to the Council, and within it, the report recommends further assessment is undertaken.

It is requested that the developer prepare more comprehensive ecology reports.

No information has been provided regarding services to the site, whether these are above or below ground

Questions are asked how are the buildings going to be constructed without serious damage to the retained vegetation, and in addition insurance companies

wont allow mature trees so close to buildings and therefore they may require further removal of vegetation given the proximity of the buildings to trees.

Suggested conditions are required for protection scheme of trees and that any damaged should be replaced.

Landscaping, construction of foundations, clearance and levelling works etc will further impact on trees.

#### **8.4 Landscaping**

The Council should insist that the developer fully define the extent and nature of any trees to be planted.

As mentioned, representations consider the landscaping proposal inadequate.

#### **8.5 Consultation / Policy**

Neighbours are disappointed that the applicant did not undertake public consultation.

The 123 Grove Park SPD must form the basis of any planning decision, and given the size of the development it should be 'called in' to Planning Committee.

There has been a considerable amount of consultation between the developers and staff in the Planning Department without the involvement of the local community.

The consultation period of 21 days seems too short in which to consider an application, and there should be a longer time period to allow interested parties time to assess the application.

There is some concern from freeholders not living in the area that they have not been directly consulted.

The Council should encourage the developer to consult with the local community.

The developers should be holding a public meeting to discuss the scheme.

#### 8.6 *Water*

A stability report needs to be prepared and made available and in accordance with policy 3.9 'Water' of the Southwark Plan new developments should not result in an increase in surface run-off, which could result in increased flood risk and pollution

Grovelands Close (to the north of the site) has an existing, significant problem with water runoff and there is concern that any tree removal or building over this land will result in a serious increase in surface water runoff into the Close.

#### 8.7 *Amenity*

There will be noise and disturbance from the removal of trees and the construction of a suburban character development, including diggers and tree felling for example.

The rear gardens of adjoining properties will be overlooked from the proposed dwellings to the rear.

There are insufficient plans for fencing and security of the area and boundary treatment. The high front gates and fences would be detrimental to the character of the Grove Park Conservation Area, and the high railing would result in a gated community feel to the site.

Neighbours need to know exact specifications of the boundary treatment.

There is objection to the communal garden and decking area with views out to the north and into adjoining properties.

There is concern regarding noise from the seating in the communal garden and decking area.

The children's playground is close to the boundary would create noise disturbance to neighbouring occupiers.

Any lighting of the development would create light pollution, details should be provided within this application.

#### **8.8 *Main Building***

There is no objection to a sensitive redevelopment of the main building as it has stood empty for a number of years and has been occupied by squatters in the past.

The neighbours welcome the decision to change the main building to residential and the proposal to include three affordable flats.

There is support for the works to the main building but concerns over the size of the side extension, the extension is too large and could result in the future loss of the yew tree.

The plans show a large solid encased portico to the front door which projects forward of the building line, such a feature is not in keeping with the existing building or nearby Edwardian buildings.

The SPD suggests that the side extension should only be a storey or two in height, and will extend right up to the yew tree, which will require significant works

Samples of the proposed bricks should be approved by the Council.

#### **8.9 *Bulk and Scale***

There are objections to the proposed construction of 5 dwellings as the SPD suggests only one building should be built to the rear of the main building.

The SPD suggests that development to the rear should comprise a single building of a maximum of two stories and that development should not be greater than the current footprint of the existing building.

The proposed side extension is excessive and should only be one storey in height.

#### 8.10 *Conservation Area*

The proposed development is too big and will spoil the character of the conservation area and effect the local environment.

Such a development will not enhance the green and leafy character of the Grove Park Conservation Area.

The high front gates and fences would be detrimental to the character of the Grove Park Conservation Area, any front fences should be not more than 1.0m high.

The SPD states that development will need to be unobtrusive and preserve the character of the conservation area.

#### 8.11 *Transportation*

The parking survey is risible and misleading as parking is impossible from 9am to 6pm during weekdays, the survey is deficient and should be redone.

The demand for car parking in the area is set to increase with this and other developments within the area. The street simply cannot absorb any further increase in car parking.

There is no parking restriction in the area, and people using Denmark Hill train station park within the area.

It would not be appropriate to have covered cycle storage forward of the building line.

The number of car parking spaces within the site should be reduced.

The siting and width of the proposed access road to the rear which will damage the tree belt.

#### **8.12 *Waste***

It is questioned whether euro bins are suitable for this development, and how the refuse and recycling will be collected as the access would be difficult for large trucks given that they would be more than 20m from the road.

#### **8.13 *Legal Agreement***

It is requested that a legal agreement is secured to encourage the imposition of a CPZ within Grove Park, and a clause to be included requiring the woodland becomes a form of nature reserve with public access.

#### **8.14 *Energy Reduction***

A combination of solar hot water panels and backup from a gas boiler would work well for the provision of hot water. There is also no mention of rainwater harvesting or PV panels for electricity generation.

### **Planning Considerations**

9.1 This purpose of this appeal statement is not to discuss the acceptable and even positive merits of the scheme, but rather to further justify the Councils position

regarding the reasons for refusal of the scheme. The matters discussed below relate only to those issues considered relevant to these reasons for refusal.

### **Arboricultural Issues**

- 9.2 Following advice at pre-application stage concerns were raised regarding the effect of development on the trees and woodland to the rear and sides of this site. These issues have therefore required the submission of additional supporting information through the course of the planning application comprising a full Arboricultural Impact Assessment (AIA) report (prepared by Landmark Trees dated 2nd December 2010) and Ecology and Bat Survey Reports (which are discussed within the Ecology considerations below).
- 9.3 The trees on the site are protected by virtue of the Camberwell Grove Conservation Area. The extent and quality of the trees is such that they are also considered to merit protection via a woodland and/or group designation Tree Preservation Order (TPO). Using the TEMPO methodology, trees are assessed as attaining a score which would definitely indicate that a TPO is expedient in the interests of amenity.
- 9.4 In considering the application the Urban Forester has referred to the following documents:
- London Plan 2011
  - Southwark Core Strategy 2011
  - The London Tree and Woodland Framework 2005
  - 123 Grove Park SDP
  - Ecological Assessment report provided by London Wildlife Trust conservation services
  - The submitted Arboricultural Impact Assessment (AIA)
  - Landscape Design Statement
  - Access and Services Strategy
- 9.5 The AIA includes a schedule and survey showing the location, species and condition category of trees on the site. The site is observed to be heavily wooded



with a number of trees of high quality. Development constraints are described and include details of the proposed root protection areas, tree retention according to condition category and the effects of shading. The effect of the proposed development is discussed in relation to the total number of trees noted for removal and the impact of construction on root protection areas.

- 9.6 Other impacts are described such as post occupation conflicts, house foundations, driveway construction and leaf / litter fall. Drawings show which trees are proposed for removal and retention together with the extent of root protection areas. The AIA report concludes that the proposed development will result in no demonstrable harm and recommendations are made as to how trees should be protected in order for development to proceed. The information submitted therefore broadly follows that required in BS 5837 Trees in relation to construction (2005) including site management processes.

#### TREE REMOVAL

- 9.7 The proposal will result in the loss of 83 trees with an additional 40 others affected by construction. Although not included within the survey, the majority of smaller understorey vegetation, which is a defining characteristic of naturally regenerating woodland, will also require removal. Other than these understorey shrubs and herbaceous vegetation, a large number of the trees proposed for removal consist of smaller self seeded specimens which are of lesser quality when assessed on an individual basis. However, their contribution to the character and ecological performance of the woodland is more critical when considered as a whole.
- 9.8 This is of less significance toward the front of the site where the character and setting of the existing house is a primary consideration and where a more formal planting design is appropriate. In addition, not all such saplings are noted for removal here and, overall, sufficient screening is retained at the front. In contrast, the removal of larger trees to the rear of the site may adversely affect screening afforded to adjacent properties at either side.

- 9.9 A number of small tree groups are proposed for removal in order to facilitate the access road and the houses to the rear of the site. In light of the 123 Grove Park SPD, it is considered appropriate that the loss of some of these groups can be mitigated through suitable replacement planting. However, the loss of large and good condition trees T30, T58 and T59 is considered unacceptable. Appendix 5 of the SPD shows trees which are of particular value and therefore require retention without damage to their root protection zones. Trees T156 and T157 to the front of the site which are included for retention within the SPD are shown as removed. Although T30, T58 and T59 are not included within the guidance outlined in the SPD they are considerably sized specimens including two of the tallest mature trees within the woodland. As such, they provide a large amount of woodland canopy cover and ecologically important structure.
- 9.10 If the two large Elms fronting onto Grove Park are included for removal (noted to be dying due to Dutch Elm Disease) the total amount of vegetation lost is approximately 18 sq metres by stem girth. In line with guidance within the SPD (if this level of tree removal is considered to be acceptable) this amount of tree stem area should be replaced in order to ensure that there is no net loss of vegetation.
- 9.11 A CAVAT valuation of the trees proposed for removal, again including the Elms, gives a total of £201,063.

#### HOUSE FOUNDATIONS

- 9.12 The foundations associated with the construction of the houses to the rear are proposed to be of a proprietary no-dig specification (HouseDeck). The following description is taken from The Arboricultural Information Exchange, an independent advisory website:

*"This is a system which is useful for building near to trees due to its flexibility in pile placement and the fact that the traditional 'trench and fill' method of foundation is not required. It uses a system of small diameter (200-300mm) concrete columns (piles) driven deep into the ground which then support a 'cast concrete cap' which consists of the floor and ground bearing beams. This is*

*reinforced with steel and can also incorporate a stainless steel lip to enable brick elevations to 'sit' to the side of the foundation and thus hide the concrete base. For use near trees the lack of a foundation trench is advantageous. A typical trench needs to be 1m + in depth and will usually need to be under all elevations. As most tree roots occupy the upper 600mm of soil, mass root severance will often occur. The base of the HouseDeck system sits on the ground surface and uses the piles for support so root severance will be less. Further safeguards can be employed to control excavation in difficult situations by using a method statement to minimise root damage. For example, carrying out initial exploratory excavation to a depth of 1m at those proposed piling positions which are particularly close to the trees. If large roots are encountered then the pile position can be changed slightly."*

- 9.13 The proposed foundation design is therefore considered to be appropriate and acceptable in principle. However, great care will be required to position piles, the use of hand auguring and to construct concrete decks. The final technical details for such a system could be controlled and agreed through condition, should the application be otherwise considered acceptable. However, as above, the use of this system does not prevent the removal of two of the largest trees (T58 and T59) and the development will still result in the loss of associated woodland understorey.

#### **IMPACT ON RETAINED TREES**

- 9.14 The proposed development will require the construction of an access road to the eastern side of the existing building to service the five proposed houses to the rear, with areas of hard surfacing required increased due to the proposed car parking areas. The combination of these factors would in effect sterilise a large area of space formerly available for natural occurring vegetation and woodland regeneration.
- 9.15 The topography of the site is notable for the changes in level of up to 5m. A series of terraces drop in height towards the north-west and a gully forms a striking feature near to the eastern boundary within which a pond currently sits.

The location and construction of the access road and related hard surfaces will therefore require considerable earth remodelling, movement and profiling (regardless of the claim from the applicant that the access road will not require any disturbance of ground).

- 9.16 Overall, insufficient consideration has been given to the affect of the access road and service runs on retained trees, particularly those to the front of the site and near the eastern boundary where it falls within the tree root protection areas shown within the AIA. Due to the significant fall in levels, drainage will require excavations and infrastructure for sewage to be pumped uphill towards the main sewer on Grove Park. Details of this infrastructure is needed in order to gauge the likely affect on tree root protection areas.
- 9.17 In addition, the Access and Services Strategy states that a tarmac road construction is proposed where trees have been removed between houses, which is contrary to guidance set out in the SPD and to the site drainage requirements generally. Reference within the AIA of the ability to remove 50% of tree roots without harm is not supported by relevant good practice contained within British Standards and cannot be used to substantiate any construction works such as the location of foundations, service utilities or roads, all of which must be of a no-dig specification to prevent damage and unnecessary tree removal.
- 9.18 Other than trees which will require removal in order to facilitate construction, the AIA identifies eight trees which will incur damage greater than that recommended by the British Standard (i.e. > 20% RPA encroachment) including four which are of the highest Category A and B. The most significant of these is Yew Tree (T135) located in close proximity to the proposed extension to the existing building. When taking into account the ancillary foundation and scaffolding required to construct the new elevation a significant amount of the tree's crown will be removed hence disfiguring its appearance and creating a potential for nuisance due to the need for regular and repeated pruning. Elsewhere, work will be required to significantly lift the crowns of the retained trees adjacent to the

proposed houses which may adversely affect their ecological value and use as habitat.

#### **LANDSCAPE STRATEGY.**

- 9.19 This document mirrors the AIA in noting the heavily wooded character of the site at present. Landscaped areas are divided between the entrance forecourt and the rear grassed area where a playground, communal lawn and private gardens are proposed. The structured and well composed features and planting plans for these areas are of design merit. They are a well balanced response to the formal setting and use of these more open spaces within the site. Planting is also proposed for the roofs of the proposed houses.
- 9.20 Plans show access to a remaining area of communal woodland to the north east. It is not clear from the strategy how much of the remaining woodland would be characterised by naturally occurring understorey vegetation with all the attendant benefits to biodiversity. Cross sections, images and plans show the majority of rear gardens and the communal viewing area re-landscaped with new planting including hedges, fencing, paths and seating. Although indicative locations for replacement tree planting are shown, including the use of native species, no assessment is made of the need for no net loss of vegetation (which is sought within the SPD).
- 9.21 The clearance of the understorey to provide an intensively designed garden setting, although well proportioned, is not appropriate and contrary to the retention of the site's woodland character. In order for this to be sustainable, ground and understorey cover must be retained intact or enhanced in order for natural regeneration to occur and for the tree canopy to be maintained in the longer term. Proposed replacement trees contained within the AIA identify non-native species or cultivars which are suitable for restricted sites rather than the woodland setting which requires longer lived, large canopy trees.

#### **POST OCCUPATION**

9.22 The design and layout of the houses to the rear is predominantly and unavoidably characterised by their setting within the woodland, together with their location sitting directly beneath the canopies of large trees. If no net loss of vegetation is to be ensured a number of trees of potentially large size at time of planting will need to be replaced throughout the site and in close proximity to proposed houses numbered one to five. By its nature, any future occupation will therefore need to consider dense shade cast by the overhead tree canopy and the effects of natural woodland leaf and litter fall, insects and other naturally occurring phenomena. Due to the amount of expected shade, which will increase as replacement trees mature and canopy spread regrows, the proposed green roofs may be difficult to establish and maintain. Future requests by occupiers to fell and severely or inappropriately prune trees are therefore foreseeable and likely. A woodland TPO has been recommended by the Urban Forester in order to maintain and conserve the woodland character.

#### CONCLUSION

9.23 Overall, the development represents an unacceptable loss of trees and reduction in overall tree canopy cover to the detriment of amenity and biodiversity. Mitigation measures to address tree loss and adverse effects to biodiversity are insufficient and uncertain to be successfully resolved via the placing of conditions. However, an amended layout showing the retention of the trees described above together with the associated woodland understorey could be more sympathetic to the woodland setting.

9.24 For the reasons above, the application is considered not to adhere to policies 7.19 'Biodiversity and Access to Nature' and 7.21 'Trees and woodland' of The London Plan.

9.25 In particular, 7.21 'Trees and woodland' states that these should be protected, maintained, and enhanced, following the guidance of the London Tree and Woodland Framework. Planning decisions should retain existing trees of value and any loss as the result of development should be replaced. Wherever

appropriate, the planting of additional trees should be included in new developments, particularly large-canopied species.

- 9.26 Strategic Policy 11 'Open Spaces and Wildlife' of the Core Strategy seeks to protect and improve habitats for a variety of wildlife by protecting woodland and trees and improving the overall greenness of places.
- 9.27 Overall, it is considered that the proposed development would result in the removal of an excessive amount of mature trees, in particular the grouping of trees on and near the building platforms of House 1 and House 2, which form the woodland to the rear of the site. The volume of trees removed would harm the open, green and intrinsic nature of the woodland to the rear of the site, the amenity of adjoining properties and the character of the wider Conservation Area setting. The development has also failed to demonstrate sufficient mitigation planting through appropriate landscaping. The development is therefore contrary to policies 7.19 'Biodiversity and Access to Nature' and 7.21 'Trees and woodland' of The London Plan 2011, Strategic Policy 11 'Open Spaces and Wildlife' of the Core Strategy 2011, saved policies 3.1 'Environmental Effects', 3.2 'Protection of amenity', 3.13 'Urban design', 3.16 'Conservation areas' and 3.28 'Biodiversity' of The Southwark Plan [UDP] 2007 and the 123 Grove Park SPD.
- 9.28 Furthermore, the development has failed to demonstrate that the retained vegetation will be adequately protected from construction impacts, in particular from the establishment of the access road and installation of services, and furthermore from post development pressure arising from potential future overshadowing and maintenance issues. As such the development is contrary to policy 7.21 'Trees and woodland' of The London Plan 2011, Strategic Policy 11 'Open Spaces and Wildlife' of the Core Strategy 2011, and saved policy 3.1 'Environmental Effects' of The Southwark Plan [UDP] 2007.

### **Ecology Issues**

- 9.29 The original application was accompanied by an Ecological Survey Report and Bat Activity Survey (both prepared by Applied Ecology Ltd). In addition,

neighbouring occupiers commissioned a desk based Ecological Assessment from London Conservation Services (dated 9th August 2011).

- 9.30 The Council Ecology Officer reviewed both reports submitted from the applicant and that submitted by LCS.
- 9.31 The considerations of the Council to the application and supporting information at the time were as following.
- 9.32 A Phase 1 Ecology Survey is recommended by Natural England in the Standing Checklist Advice if a new building is planned and would impact on priority habitats and species. The site is close to several SINC sites and contains National BAP priority habitats (including woodland, standing water and scrub).
- 9.33 The lack of the Phase 1 Survey and search of local ecological records in preference for a walkover survey, failed to provide sufficient information to determine the potential ecological value of the site and the impacts of this development. It was also noted that the walkover survey was undertaken in March which is outside the optimum season, which further limited the findings of this report.
- 9.34 Best practice guidance from IEEM on baseline Ecological Assessments advises that the first step is to consult and gain access to local biological records. Often this is referred to as the desk study. This was not included within the ecological report. The report was considered to be incomplete without this information informing the site visit and following habitat surveys.
- 9.35 The resulting judgements regarding the ecological value of the subject site are open to challenge. This view is supported by the London Conservation Services ecological assessment and critique of existing documentation report regarding this application.
- 9.36 In relation to European Protected Species, bats have been recorded actively using the site and old droppings were recorded in the existing building. This



supports the criteria for undertaking an extended Phase 1 survey and a bat activity survey consistent with best practice. Given the sensitive nature of this site, a new Bat Activity Survey that is consistent with best practice would be advisable.

- 9.37 PPG 9: Biodiversity and Geological Conservation policy of preventing harm to biodiversity would suggest that without a comprehensive assessment of the ecological habitats and species of this site and adequate mitigation offered for what is present then planning permission should be refused.
- 9.38 Saved policy 3.28 'Biodiversity' of The Southwark Plan [UDP] does not permit developments which would damage biodiversity.
- 9.39 Strategic Policy 11 'Open Spaces and Wildlife' seeks to protect and improve habitats for a variety of wildlife by protecting woodland and trees and improving the overall greenness of places.
- 9.40 The Sustainable Design and Construction SPD seeks to avoid harm to protected species and their habitats, including natural features that could provide habitat, such as mature trees, shrubbery, ponds and deadwood, should be retained, and it is preferable to work with existing habitats than replace with new ones.
- 9.41 The negative impacts of a development should first be reduced as much as possible through design, construction and management.
- 9.42 Overall, it was considered that without a sufficiently detailed Ecological Assessment and adequate mitigation this original application provided insufficient information to be able to properly determine its ecological impacts.
- 9.43 The development was therefore considered to be contrary to Strategic Policy 11 'Open Spaces and Wildlife' of the Core Strategy 2011, saved policies 3.1 'Environmental effects' and 3.28 'Biodiversity' of The Southwark Plan [UDP], the Sustainable Design and Construction SPD and 'Work for Wildlife' Southwark Biodiversity Action Plan.

- 9.44 As part of this current appeal, the Appellants have submitted further information entitled Ecological Summary (for Citrus Healthcare) dated November 2011 which forms part of the appeal documents.
- 9.45 Council's Ecological Officer has subsequently reviewed this additional information is now satisfied that the Appellant has now provided sufficient information required to fully assess the ecological value of the site at 123 Grove Park.
- 9.46 The submission of the phase 1 habitat survey and the additional Bat Roost and Activity Surveys, Reptile Survey, Invertebrate Survey and Pond Survey are sufficient to establish the ecological impact of the proposed development.
- 9.47 The comprehensive Ecological Assessment established that one protected and one notable species have been recorded on the site, these being bats and stag beetles. The Ecological Officer concurs that the bats are not roosting in the existing building.
- 9.48 Furthermore, the Reptile Survey established the absence of any reptiles, and the Pond Survey established the absence of amphibians but conceded that amphibians could use the pond.
- 9.50 The Ecology Officer agrees with the findings of the survey and support the mitigation strategy. As such, should the Inspector otherwise find the development to be acceptable, a number of conditions have been recommended by the Ecology Officer, which are comprised of a precautionary bat survey; ensuring suitable timing of vegetation clearance; implementation of agreed biodiversity mitigation / enhancement; and the control of invasive plants (which are present at the site).
- 9.51 It is noted that the Proposed Development Plan attached as Appendix 1 of the Ecological Summary (dated November 2011) shows only 4 proposed dwellings to the rear of the main building, whereas the Appeal proposal is for 5 dwellings.

9.52 Whilst this Appeal does not relate to this 4 unit scheme, it is not considered that the contents of the Ecological Reports, assessment or recommendations would be materially different if this plan was amended to show the 5 proposed units.

9.53 Overall, for these reasons it is considered that the submission of the further information as part of this appeal has satisfied the Council that the proposed development would not be harmful to the Ecology of the site, subject to the imposition of suitable conditions. As such, the Council do not contest Ecology matters (reason for refusal 3).

### **Planning Contributions**

9.54 At application stage, the applicant provided a Unilateral Undertaking offering the following planning contribution amounts:

- Education contribution - £51,338
- Employment in the development - £0
- Employment during construction - £7,957
- Employment during construction management fee - £645
- Open space contribution - £2,545
- Children's play equipment - £2,736
- Sports development - £12,419
- Transport strategic - £6,000
- Transport site specific - £0
- Public realm - £9,000
- Archaeology - £0
- Health facilities contribution - £11,534
- Community facilities contribution - £2,583
- Administration fee - £2,295

9.55 The total offered being £109,052

**9.56** In accordance with the S.106 Planning Obligations SPD and the associated toolkit (at the time of assessment), this development should have provided the following contributions at the time of determination:

- Education contribution - £67,963
- Employment in the development - £0
- Employment during construction - £8,369
- Employment during construction management fee - £645
- Open space contribution - £5,438
- Children's play equipment - £2,926
- Sports development - £13,269
- Transport strategic - £8,675
- Transport site specific - £0
- Public realm - £9,000
- Archaeology - £0
- Health facilities contribution - £12,305
- Community facilities contribution - £2,809
- Administration fee - £2,628

**9.57** The subtotal contributions being **£134,027**

**9.58** In addition, the Council also sought to secure through the legal agreement the following:

- A financial contribution of £5,000 toward providing an on-street car club space
- 24 months of car club membership for future occupiers of the development

**9.59** The applicant had therefore failed to adequately mitigate against the impacts of the development and, in accordance with Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003.

**9.60** The proposed development failed to provide adequate planning contributions, and was therefore contrary to saved policy 2.5 'Planning contributions' of The Southwark Plan [UDP] 2007 and the S.106 Planning Obligations SPD.

**9.61** The Appellant submitted an updated Unilateral Undertaking (on 21 March 2012) which offers the following contributions:

- Education contribution - £70,315
- Employment in the development - £0
- Employment during construction - £8,626
- Employment during construction management fee - £699
- Open space contribution - £5,626
- Children's play equipment - £3,026
- Sports development - £13,728
- Transport strategic - £8,976
- Transport site specific - £0
- Public realm - £9,000
- Archaeology - £0
- Health facilities contribution - £13,127
- Community facilities contribution - £2,906
- Administration fee - £2,841

**9.62** The subtotal contributions being **£138,870**

**9.63** In addition, the Appellant has offered:

- A financial contribution of £6,000 toward providing an on-street car club space.
- 24 months of car club membership for future occupiers of the development.
- The Development ensures that future occupiers are informed that they shall not be entitled to obtaining a parking permit.

9.64 The proposed level planning contributions (those submitted on 21 March 2012) are now in accordance with the current S106 Toolkit, and are therefore in accordance with current policy. In addition, the contribution towards the provision of a car club space, the 24 month car club membership for future occupiers, and the exemption of future occupiers from the Controlled Parking Zone are all welcomed.

9.65 Therefore, in principle the draft unsigned Unilateral Undertaking is acceptable.

9.66 However, given that this is unsigned and undated at the time of writing, and also that Council's Legal Officers have not had sufficient time to review this Undertaking (given that it was submitted approximately 48 hours before Council's Appeal Statement is due) the Council will reserve further comment until a signed and dated copy is provided.

#### **Other Matters**

10.1 The site in question is not located within an Archaeological Priority Zone but contains material of potential interest due to the development site's former use as part of the gardens of the Grove Hill Estate. It is apparent that features relating to this former landscape may survive within the grounds of the house. The proposal is for a major programme of landscaping and construction work within the garden which will have a significant impact upon the site. The proposal is also for the conversion of the building into flats.

10.2 Should the Inspector find the development otherwise acceptable, a condition requiring a programme of archaeological work by a suitably qualified and experienced archaeologist to agreed written schemes of investigation, is recommended to be imposed.

#### **Conclusion**

11.1 It is considered that the proposed development (at the time of initial assessment) failed to justify the excessive loss of vegetation at that site, has not provided

adequate mitigation planting through the landscaping scheme, failed to sufficiently assess biodiversity and ecology, and has not provided sufficient planning contributions.

- 11.2 With the submission of the further information regarding Ecology and Planning Contributions these aspects of the development are now considered to be acceptable (subject to an agreed Unilateral Undertaking). However, the Council remain concerned over the excessive loss of vegetation and the resulting impacts.
- 11.3 The Council has set out above the reasons why the proposed development would be contrary to the policies of the Core Strategy 2011, the Southwark Plan [UDP] 2007, the London Plan and other supplementary planning documents.
- 11.4 The Council believe that its assessment of the application was balanced and fair and that the correct decision was made. Therefore, it is respectfully requested that the Inspector dismiss this appeal.
- 11.5 Should the Inspector be minded to approve full planning permission, the Council would request that consideration be given to the imposition of the following conditions:

#### **Full Planning Application**

1) The development hereby permitted shall be begun before the end of three years from the date of this permission.

#### **Reason:**

As required under Section 91 of the Town and Country Planning Act 1990 as amended.

2) The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans: GRP-ST 101, GRP-ST 101a, GRP-ST 201, GRP-EB 101, GRP-EB 102, GRP-EB 103, GRP-EB 104, GRP-EB-

201, GRP-EB 202, GRP-EB 301, GRP-EB 302, GRP-EB 303, GRP-H1 101, GRP-H1 301, GRP-H2 102, GRP-H2 302, GRP-H3 103, GRP-H3 303, GRP-H4 104, GRP-H4 304, GRP-H5 105, GRP-H5 305, GRP-DT 401, GRP-DT 402, GRP-DT 403, GRP-DT 404, 2538-01, 2538-02, 2538-03, 2538-04, 2538-05, 2538-06, 2538-07, 2538-08, 2538-09, 2538-10, 2538-11, 2538-12, 2538-13, 01 (sheet 1 of 2), 01 (sheet 2 of 2).

**Reason:**

For the avoidance of doubt and in the interests of proper planning.

3) The applicant shall submit a Schedule of Condition of the main building including existing windows/ doors, panelling, cornicing, staircases and fire places and a Schedule of Works for their repair to the Local Planning Authority for approval in writing, prior to the commencement of works. Historic features are to be retained, repaired and refurbished where possible. The development shall not be carried out otherwise than in accordance with any such approval given.

**Reason:**

In order that the Local Planning Authority may be satisfied as to the design and details in the interest of the special architectural or historic qualities of the listed building in accordance with Core Strategy Policy SP12 Design & Conservation and Saved Policies: 3.15 Conservation of the Historic Environment; 3.16 Conservation Areas; 3.17 Listed Buildings; of The Southwark Plan (UDP) July 2007.

4) 1m x 1m Sample panels of the handmade brickwork, the timber cladding and the glazing as well as samples of all and external facing materials of the villas to be used in the carrying out of this permission shall be presented on site and approved in writing by the Local Planning Authority before any work in connection with this permission is carried out; the development shall not be carried out otherwise than in accordance with any such approval given. These samples must demonstrate how the proposal makes a contextual response in terms of materials to be used.



**Reason:**

In order that the Local Planning Authority may be satisfied as to the design and details in accordance with Core Strategy Policy SP12 Design & Conservation and Saved policies: 3.12 Quality in Design; 3.13 Urban Design; of The Southwark Plan (UDP) July 2007 and SP12 Design & conservation of the Core strategy (2011).

5) 1m x 1m Sample panels of the brickwork including a stone cill as well as samples of all and external facing materials including the roof of the extension to the main building to be used in the carrying out of this permission shall be presented on site and approved in writing by the Local Planning Authority before any work in connection with this permission is carried out; the development shall not be carried out otherwise than in accordance with any such approval given. These samples must demonstrate how the proposal makes a contextual response in terms of materials to be used.

**Reason:**

In order that the Local Planning Authority may be satisfied as to the design and details in accordance with Core Strategy Policy SP12 Design & Conservation and Saved policies: 3.12 Quality in Design; 3.13 Urban Design; of The Southwark Plan (UDP) July 2007 and SP12 Design & conservation of the Core strategy (2011).

6) 1:5/10 section detail-drawings of the extension to the main building through:

- the facades;
- parapets;
- roof edges;
- junctions with the existing buildings;
- heads, cills and jambs of all openings;

to be used in the carrying out of this permission shall be submitted to and approved in writing by the Local Planning Authority before any work in connection with this permission is carried out; the development shall not be carried out otherwise than in accordance with any such approval given.

**Reason:**

In order that the Local Planning Authority may be satisfied as to the design and details in the interest of the special architectural or historic qualities of the listed building in accordance with Core Strategy Policy SP12 Design & Conservation and Saved policies: 3.12 Quality in Design; 3.13 Urban Design; of The Southwark Plan (UDP) July 2007 and SP12 Design & conservation of the Core strategy (2011).

**7) 1:5/10 section detail-drawings of the villas through:**

- the facades;
- parapets;
- roof edges;
- heads, cills and jambs of all openings;

to be used in the carrying out of this permission shall be submitted to and approved in writing by the Local Planning Authority before any work in connection with this permission is carried out; the development shall not be carried out otherwise than in accordance with any such approval given.

**Reason:**

In order that the Local Planning Authority may be satisfied as to the design and details in the interest of the special architectural or historic qualities of the listed building in accordance with Core Strategy Policy SP12 Design & Conservation and Saved policies: 3.12 Quality in Design; 3.13 Urban Design; of The Southwark Plan (UDP) July 2007 and SP12 Design & conservation of the Core strategy (2011).

**8) The development shall not commence until details of a Refuse Management Plan (including details for suitable storage or refuse and recycling, and details of collection) has been submitted to, and approved in writing by the Local Planning Authority for that part of the development. The use shall thereafter operate in strict accordance with the approved Refuse Management Plan.**

**Reason:**

In order that the Council may be satisfied that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Policies 3.2 'Protection of Amenity' and 3.7 'Waste reduction' of The Southwark Plan [UDP] 2007 and strategic policy 13 'High Environmental Standards' of the Core Strategy 2011.

9) The cycle storage facilities as shown on the plans shall be provided before the units hereby approved are occupied and thereafter such facilities shall be retained and the space used for no other purpose without prior written consent of the local planning authority.

**Reason:**

To ensure that satisfactory safe and secure bicycle parking is provided and retained for the benefit of the users and occupiers of the building in order to encourage the use of alternative means of transport and to reduce reliance on the use of the private car in accordance with saved policy 5.3 'Walking and Cycling' of The Southwark Plan [UDP] 2007 and strategic policy 2 'Sustainable Transport' of the Core Strategy 2011.

10) The development shall not commence until details of a Construction Management Plan has been submitted to, and approved in writing by the Local Planning Authority for that part of the development. The use shall thereafter operate in strict accordance with the approved Construction Management Plan.

**Reason:**

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of construction disturbance or other nuisance, and to ensure that there is no impact on the transportation network in accordance with saved policies 3.2 'Protection of Amenity' and 5.2 'Transport impacts' of The Southwark Plan [UDP] 2007 and strategic policies 2 'Sustainable Transport' and 13 'High Environmental Standards' of the Core Strategy 2011

11) Development shall not begin until details of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

**Reason:**

To mitigate the risk of flooding in accordance with saved policies 3.2 'Protection of amenity' and 3.9 'Water' of the Southwark Plan 2007 and strategic policy 13 'High Environmental Standards' of the Core Strategy 2011.

12) The provision of energy efficiency measures and on-site renewable energy, as set out within the application, shall be implemented in full prior to the occupation of the development hereby approved, and maintained thereafter.

**Reason:**

To ensure that the Local Planning Authority may be satisfied that the scheme is of a suitable standard of sustainable construction in accordance with Strategic Policies 1 'Sustainable Development' and 13 'High Environmental Standards' of the Core Strategy 2011 and saved policies 3.3 'Sustainability assessment' and 3.4 'Energy efficiency' of the Southwark Plan 2007.

13) No development shall take place within the proposed development site until the applicant, or their agents or their successors in title, has secured the implementation of a programme of archaeological evaluation works in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing.

**Reason:**

To ensure that the archaeological operations (programme of archaeological evaluation works) are undertaken to an appropriate standard, that the archaeological interests of the site are appropriately managed, that any findings are appropriately disseminated, that any recovered artefacts are conserved and

that the information is archived, in accordance with saved policy 3.19 'Archaeology' of The Southwark Plan [UDP] 2007, strategic policy 12 'Design and Conservation' of the Core Strategy 2011 and PPS 5: Planning for the Historic Environment.

14) If more than one year passes between the most recent bat survey and the commencement of demolition and/or tree works, an update bat survey must be undertaken immediately prior to demolition or tree works by a licensed bat worker. Evidence that the survey has been undertaken shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of demolition and/or tree works.

**Reason:**

To ensure compliance with the Habitats Regulations and the Wildlife & Countryside Act 1981 (as amended).

15) All removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation shall not be removed until the fledglings have left the nest.

**Reason:**

All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended).

16) The following measures for the mitigation of impact and enhancement of biodiversity, set out in the ecological report recommendations, will be implemented in full prior to the new development being first brought into use / occupied, or in accordance with the timetable detailed in the approved scheme:

- *A wildlife pond (minimum size 2x2m) is constructed within the site and maintained in the long term as a fish free habitat for the benefit of breeding amphibians - location and design details to be agreed;*

- *Three bat bricks or tubes to be built into or attached onto the external fabric of the new building at roof eave level in locations away from external security or other lighting to be agreed with an experienced bat worker*
- *External lighting to be designed to minimise adverse impacts on bats with any lighting of paths being low level and that minimises light spill and or is operated only by external motion sensors on short timers;*
- *Standing trees with bat roost features to be felled at a time when they are least likely to be in use by nesting birds and breeding tree roosting bats in the autumn months (September to early November) immediately after a detailed check has been carried out that birds and bats are absent from them. Trees to be soft-felled if bat absence cannot be verified e.g. if trees prove unsafe to climb. Trees to be felled under the auspices of an EPS licence, as necessary, if the presence of tree roosting bats is confirmed;*
- *As compensation for the loss of bat roost potential trees, six woodcrete bat boxes to be mounted in suitable locations on retained trees or other suitable structures within the grounds of the site in locations to be agreed by a suitably experienced bat worker;*
- *All bat boxes to be monitored and maintained post construction by an experienced bat worker for two years;*
- *A boundary of the garden (minimum width 3m) should be set aside as a stag beetle protection zone in perpetuity.*
- *All dead wood and brashings to be removed by hand and used to construct two stag beetle loggeries (2.5m circumference) within the protection zone. Loggeries to be supplemented with large hard wood logs (not pine) as necessary. Left over dead wood to be left as habitat piles on the ground surface within the protection zone.*
- *All ground immediately below and within 1m of the edge of existing dead wood log/brash pile locations to be hand dug under ecological supervision to search for stag beetle larvae or pupal cells.*
- *All larvae found to be transferred to one of three stag beetle breeding boxes to be constructed in advance of site clearance within the stag beetle protection zone,*

- *A stag beetle information board to be erected to describe stag beetle ecology, conservation and the function of the mitigation measures provided within the protection zone.*
- *All scrub vegetation to be removed outside of the bird nesting period or only after it has been deemed to be free of nesting birds at other times by a qualified ecologist / ornithologist.*
- *A Japanese knotweed elimination strategy be developed and implemented in advance of site clearance to avoid the spread of knotweed as a result of site clearance and construction operations.*

**Reason:**

To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with PPS9, policy 3.28 of the Southwark Plan, and Strategic Policy 11 'Open Spaces and Wildlife' of the Southwark Core strategy 2011.

17) Prior to the commencement of development, a detailed method statement for the removal or long-term management /eradication of the Japanese Knotweed on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures to prevent the spread of (plant name) during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

**Reason:**

Japanese Knotweed is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent its spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment occurring.

18) The existing trees which are to be retained shall be protected and both the site and trees shall be managed in accordance with the recommendations

contained in the submitted **Arboricultural Impact Assessment Report** (Landmark Trees, November 2011). In any case, all works must adhere to **BS5837: Trees in relation to construction** and **BS3998: Recommendations for tree work**.

A pre-commencement meeting shall be arranged, the details of which shall be notified to the **Local Planning Authority** for agreement in writing prior to the meeting and prior to works commencing on site.

All tree protection measures and subsequent works required pursuant to that pre-commencement meeting and the **Arboricultural Report** shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the **Local Planning Authority**.

The applicant shall at their own expense instruct an arboricultural consultant, approved by the **Council** in writing, to liaise with the developer and/or his architect or engineer to approve details of construction methods, oversee the works and report to the **Council** throughout the period of the works in so far as the works may affect trees within the site. Works shall not commence on site until a consultant has been appointed and a monitoring programme approved in writing by the **Local Planning Authority**. After commencement of the project, all persons employed or engaged on the project shall immediately comply with any reasonable instruction, advice or request given or made by the arboricultural consultant in respect of works in so far as they relate or affect trees within the site, including an instruction to cease work if the arboricultural consultant considers that works have deviated from the agreed working methods and in these circumstances works shall not recommence until or unless written authority has been given by the **Council** or the arboricultural consultant that such works may recommence.

**Reason:**

In the interests of preserving the health of the tree and to maintain the visual amenity of the site, in accordance with saved policies 3.1 'Environmental Effects', 3.2 'Protection of amenity' and 3.28 'Biodiversity' of the **Southwark Plan 2007**



and strategic policies 1 'Sustainable Development' and 13 'High Environmental Standards' of the Core Strategy 2011.

19) Prior to works commencing, including any demolition, details of the means by which any existing trees on or directly adjacent to the site are to be protected from damage by vehicles, stored or stacked building supplies, waste or other materials, and building plant or other equipment, shall be submitted to and approved in writing by the Local Planning Authority. The protective measures shall be installed and retained throughout the period of the works in accordance with any such approval given and protective fencing must not be moved or removed without the explicit written permission of the Local Authority Urban Forester. Within the protected area, no fires may be lit, no materials may be stacked or stored, no cement mixers or generators may be used, and no contractor access whatsoever is permitted without the explicit written permission of the Local Authority Urban Forester under the supervision of the developer's appointed Arboriculturalist. Within the protected area, any excavation must be dug by hand and any roots found to be greater than 25mm in diameter must be retained and worked around. Excavation must adhere to the guidelines set out in the National Joint Utilities Group (NJUG) publication Volume 4, 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (Issue 2)'.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 1 year from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and

species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written permission of the Local Authority Urban Forester.

**Reason:**

To ensure the protection of the existing trees in accordance with saved policies 3.1 'Environmental Effects', 3.2 'Protection of Amenity' and 3.28 'Biodiversity' of The Southwark Plan 2007 and strategic policies 1 'Sustainable Development' and 13 'High Environmental Standards' of the Core Strategy 2011.

20) Prior to occupation hereby authorised begins, a Woodland Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The management plan should be prepared by a qualified and experienced arboricultural consultant and should include the following elements:

- A statement of the overall design vision for the woodland and for individual trees retained as part of the development - including amenity classification, nature conservation value and accessibility.
- Type and frequency of management operations to achieve and sustain canopy, understorey and ground cover, and to provide reinstatement where tree loss or vandalism occurs.
- Frequency of safety inspections, which should be at least three yearly in areas of high risk, less often in lower risk areas
- Confirmation that the tree pruning work is carried out by suitably qualified and insured tree contractors to British Standard 3998.
- Special measures relating to Protected Species or habitats, e.g. intensive operations to avoid March - June nesting season or flowering period.

- Inspection for pests, vermin and diseases and proposed remedial measures.
- Recommendations relating to how trees within the immediate vicinity of properties or within private areas are to be protected, such that these are retained without the loss of their canopy or value as habitat.
- Confirmation of cyclical management plan assessments and revisions to evaluate the plan's success and identification of any proposed actions.

**Reason:**

In order that the Local Planning Authority may ensure that trees and woodland are cared for in the long term in accordance with saved policies 3.1 'Environmental Effects' and 3.28 'Biodiversity' of The Southwark Plan 2007 and strategic policies 1 'Sustainable Development' and 13 'High Environmental Standards' of the Core Strategy 2011.

21) Before any above grade work hereby authorised begins, detailed drawings scale 1:50 of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings (including surfacing materials of any parking, access, or pathways layouts, materials and edge details and material samples of hard landscaping), shall be submitted to and approved in writing by the Local Planning Authority and the landscaping shall not be carried out otherwise than in accordance with any such approval given. The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or shrubs that is found to be dead, dying, severely damaged or diseased within two years of the completion of the building works OR two years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season. Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 3996 Nursery stock specification, BS: 5837 Trees in relation to construction and BS: 7370 Recommendations for establishing and managing grounds maintenance organisations and for design considerations related to maintenance.

**Reason:**

In order that the Local Planning Authority may be satisfied that the replacement planting is of a good standard and is sufficiently maintained for intrinsic and amenity reasons, in accordance with saved policies 3.1 'Environmental Effects', 3.2 'Protection of amenity' and 3.28 'Biodiversity' of The Southwark Plan 2007 and strategic policies 1 'Sustainable Development' and 13 'High Environmental Standards' of the Core Strategy 2011.

22) No works or development shall take place until full details of all proposed tree planting or transplanting, and the proposed times of planting, have been approved in writing by the local planning authority. This will include planting and maintenance specifications, use of guards or other protective measures to prevent damage by dogs and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times. Planting shall comply with BS: 4428 Code of practice for general landscaping operations.

A minimum of 2.71 sq metres girth shall be planted in mitigation of the loss of 52 small to large trees and associated canopy cover in order to facilitate development.

If within a period of two years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

**Reason:**

In order that the Local Planning Authority may be satisfied that the replacement planting is of a good standard and is sufficiently maintained for intrinsic and amenity reasons, in accordance with saved policies 3.1 'Environmental Effects', 3.2 'Protection of amenity' and 3.28 'Biodiversity' of The Southwark Plan 2007

and strategic policies 1 'Sustainable Development' and 13 'High Environmental Standards' of the Core Strategy 2011.

23) The development shall not commence until details of the services (water, waste water and electricity) has been submitted to, and approved in writing by the Local Planning Authority for that part of the development. The development shall thereafter operate in strict accordance with the approved details.

Reason:

To ensure that the development would not have an adverse impact on the root protection areas of the retained vegetation, in accordance with saved policies 3.1 'Environmental Effects' and 3.28 'Biodiversity' of The Southwark Plan 2007 and strategic policies 1 'Sustainable Development' and 13 'High Environmental Standards' of the Core Strategy 2011.

24) Before any above grade work hereby authorised begins, details of the green and/or brown roofs (including a specification and maintenance plan) to be used in the carrying out of this permission shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of local biodiversity, in addition to the attenuation of surface water runoff, it in accordance with saved policies 3.1 'Environmental Effects' and 3.28 Biodiversity of the Southwark Plan 2007 and strategic policies 1 'Sustainable Development' and 13 'High Environmental Standards' of the Core Strategy 2011.

25) Before any above grade work hereby authorised begins, details of the means of enclosure for all site boundaries shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

**Reason:**

**In the interests of visual and residential amenity in accordance with saved policies 3.2 Protection of amenity, 3.12 Quality in Design, and 3.13 Urban design of the Southwark Plan 2007.**